

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

BOARD OF TRUSTEES OF THE )  
PLUMBERS, PIPE FITTERS & )  
MECHANICAL EQUIPMENT SERVICE, ) Case No.: 1:13cv004  
LOCAL UNION NO. 392 PENSION FUND, )  
et al. ) Judge Michael R. Barrett  
)  
Plaintiff, )  
)  
vs. )  
)  
SUSAN L HUMBERT, et al. )  
)

Defendants.

**ORDER**

This matter is before the Court on Plaintiffs' Motion for Attorney Fees (Doc. 91) and Defendants' Motion to Stay Briefing on Plaintiffs' Motion for Attorney's Fees and Costs Pending Appeal (Doc. 92).

On March 12, 2018, the Sixth Circuit dismissed the parties' appeal and cross-appeal for lack of jurisdiction finding the undersigned's judgment was not final for purposes of appellate jurisdiction.<sup>1</sup> The Sixth Circuit held, in part, that this Court had not determined the amount of damages Local 392 was entitled. Accordingly, a hearing to determine the appropriate amount of damages is necessary.

Therefore, upon consideration, the Court finds Plaintiffs' Motion for Attorney Fees (Doc. 91) is premature, and is **DISMISSED WITHOUT PREJUDICE TO REFILING**. Defendants' Motion to Stay (Doc. 92) is **DENIED AS MOOT**.

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<sup>1</sup> The mandate has not yet been issued.

**IT IS SO ORDERED.**

*s/Michael R. Barrett*  
Michael R. Barrett, Judge  
United States District Court